Interim Use Permit BZZ-5800

Date: October 11, 2012

Applicant: St. Stephens Human Services, on behalf of River of Life Lutheran Church

Addresses of Property: 1110 22nd Avenue North / 2200 Fremont Avenue North

Project Name: River of Life Lutheran Church Overnight Shelter

Contact Person and Phone: Allysen Hoberg, 612-870-2263

Planning Staff and Phone: Aly Pennucci, 612-673-5342

Date Application Deemed Complete: September 27, 2012

End of 60-Day Decision Period: November 26, 2012

Ward: 5 Neighborhood Organization: Jordan

Existing Zoning: R2B Two Family Residence District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 8

Legal Description: Not applicable for this application

Proposed Use: Overnight shelter accessory to a religious institution place of assembly

Concurrent Review:

Interim Use Permit: for an overnight shelter

Applicable zoning code provisions: Chapter 537, Section 537.110, Allowed accessory uses and structures. Chapter 525, Article VIII, Interim Uses.

Background: River of Life Lutheran Church, in cooperation with St. Stephens Human Services, has filed an application for an interim use permit to allow an overnight shelter located at 1110 22nd Avenue North / 2200 Fremont Avenue North. The proposed shelter, which will be operated by St. Stephens Human Services, will serve up to 45 single adults who are homeless. St. Stephens has and will continue to operate the shelter as an overflow shelter from November 1st to April 30th to address overcrowding at other shelters in the City during the colder season.

Overnight shelters are allowed as a conditional use accessory to religious institution places of assembly. Interim uses may be granted for a period of up to five years, provided the use is allowed as a conditional use in the district in question. The site in question operates as a church. An interim use permit to allow

an overnight shelter was approved for this property in December 2010 that expired on May 15, 2011. A second interim use permit to allow an overnight shelter was approved in October 2011 that expired on April 30, 2012. The winter shelter has been operated by the applicant for the past two years. There is still a need to provide this service in the community; therefore, the applicant is seeking approval of an interim use permit for an additional year. The applicant has requested approval through April 30, 2013.

Homelessness is a problem that affects every sector of our community. In 2006, the city of Minneapolis and Hennepin County passed a plan to end homelessness in our community by the year 2016. This 10 Year Plan to End Homelessness, also known as Heading Home Hennepin, was developed by business and civic leaders, advocates, community members and individuals who have experienced homelessness. It was created to help address the growing problem of homelessness, and change the paradigm from managing it to ending it. Despite the many efforts focused on the goal of ending homelessness, Minneapolis has, like many communities, seen an increase in the homeless population and as a result, the existing shelters are experiencing overcrowding, particularly during the colder seasons. As such, there continues to be a need to provide winter time overflow shelters.

The applicant recently requested approval of a conditional use permit to allow the winter shelter to operate permanently as long as there continues to be a need for this service. The application was heard at the August 13, 2012, City Planning Commission public hearing. At this meeting the City Planning Commission continued the application two cycles until the September 19, 2012, public hearing due to issues raised by surrounding residents at the initial public hearing regarding shelter operations and in some cases, the Church's operations in general. The issues included the following: safety concerns related to people loitering in the alley and approaching residents in a way that made them feel threatened; hours that police/security are on-site; overflowing trash receptacles and frequency of trash removal; litter; and lighting and monitoring the alley. The application was denied at the public hearing. The City Planning Commission encouraged the applicant to instead apply for an Interim Use Permit for an additional year and during that time implement additional security measures and apply for a conditional use permit next year if they can demonstrate how the additional measures have addressed these issues. The City Planning Commission further encouraged those neighbors with concerns to not oppose the interim use permit to allow the shelter time to address the issues raised.

During the application process for the interim use permit last year the Zoning & Planning Committee asked staff to facilitate a meeting with the applicant and surrounding property owners to discuss issues that were raised during the hearing. The applicant worked with community members, the neighborhood and city representatives to develop a more detailed management and communication plan. During shelter operations from December 2011 through May 2012 shelter staff held monthly meetings where neighbors could come to discuss concerns they had regarding the shelter and distributed flyers in the neighborhood with contact information to call with concerns. The shelter staff reported that no neighbors attended these meetings. In addition, shelter staff provided documentation of any incidents or calls related to the shelter, of which there were few reported incidents. Correspondence and documentation provided about these incidents are included in the appendix.

Staff also contacted the police sergeant who coordinates the security with St. Stephen's; he reported that there was little police activity related to the shelter during operations over the 2011-2012 winter; correspondence about this activity and a letter from the Sergeant are provided in the appendix. The Crime Prevention Specialist for the 4th Precinct also submitted a letter noting that there has been no increase in criminal activity associated with the shelter.

Letters of support have been submitted from the Jordan Area Community Council, the Hawthorne Neighborhood Council, Ward 5 Council Member Samuels, neighboring residents, Minneapolis Police Sergeant Hatle and the Crime Prevention Specialist, Jennifer Waisanen. These letters are included in the appendix. Staff has not received letters in opposition to this application for the interim use. Staff will forward additional comments, if any are received, at the public hearing.

Findings as required by the Minneapolis Zoning Code:

For an interim use permit to be granted, the Zoning and Planning Committee must make the same findings that pertain to conditional use permits. In addition to these, any City Council approval of an interim use is subject to five additional conditions. Discussion of each of these findings and conditions follows.

1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.

Operating an overnight shelter accessory to the existing church should not be detrimental to or endanger the public health, safety, comfort or general welfare. During winter months, homeless shelters fill to capacity, which leaves many people to sleep outdoors in the snow and freezing elements. An overnight shelter provides a service to address the health, safety and well-being of the City's homeless population.

At the subject site, a minimum of two trained and experienced shelter staff will be located on the site when the facility is open. Staffing levels will also be supplemented with volunteers. The provider will contact police or the applicable agency if a guest is removed from the facility if they are considered dangerous to themselves or others. The proposed maximum number of guests (45 people) is consistent with accessibility, occupancy, egress, and other applicable standards of the building and housing codes.

St. Stephen's hires off-duty Minneapolis police officers to provide security services. The applicant has the off-duty police coverage for 2.5 hours per night at staggered times so their presence is not predictable. In response to concerns raised by neighboring residents last year, St. Stephens developed a more detailed management plan that includes working with Minneapolis police officers to provide periodic checks of the alley and to alter the location where they park their vehicles when providing security for the shelter. Staff contacted the police sergeant who coordinates the security with St. Stephen's; he reported that there was little police activity related to the shelter during operations over the 2011-2012 winter; correspondence about this activity and a letter from the Sergeant are provided in the appendix.

In addition, the applicant has updated the management plan to include the following additional measures:

- Cameras will be installed in the alley that will be monitored by shelter staff through a monitor inside the shelter and is viewable by shelter staff via a smart phone.
- Continue to hire police security.
- Commitment to not accept late arrivals unless they are dropped off by the police or because they have arranged, in advance, a later arrival due to a work schedule.

- Continue to review and update the management plan on an annual basis.
- Increase the number of trash pickups to no less than 2 times per week.
- Work with the Crime Prevention Specialist assigned to this area to evaluate the alley and develop a security plan that includes camera surveillance and a lighting plan.

2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

Staff does not anticipate that the shelter will be injurious to the use and enjoyment of nearby properties. The land uses surrounding this property are all residential in nature; however, the operators have a strong management plan that has details regarding communication, security-client management, building and grounds. As mentioned above, there was little police activity during the shelter operations from December 2011 through May 2012. There is a separate evening meal served Monday through Friday by Loaves and Fishes where guests will wait until the hour before the shelter opens. This meal service has been operating at this facility for several years and is a separate operation from the shelter. Many of the shelter guests are also guests at this meal service. St. Stephens Human Services has operated another year round emergency shelter since 1981 at the Church of St. Stephen (2211 Clinton Avenue) in south Minneapolis. This location is also surrounded by residential land uses. The entrances to the shelter area and the assembly hall are located on the south side of the building facing 22nd Avenue North and are not immediately adjacent to the residential properties that abut the subject site to the north.

The shelter officially opens at 6:00 pm and the shelter is required to provide a secure waiting area no less than one hour prior to opening (5:00 pm). St. Stephens's staff and volunteers begin arriving at approximately 3:00 pm to prepare the shelter space. Shelter guests that arrive early are allowed to come inside and wait in the lobby area or in the waiting area adjacent to the meal service area. On the weekends, guests that arrive prior to the shelter opening time will wait in the River of Life Assembly Hall or in the waiting area outside of the shelter space.

Guests are admitted at 6:00 pm and generally the shelter is full by 8:00 pm. Guests are admitted on a first-come, first-served basis. The shelter does not participate in a lottery system for placement of guests. Shelter staff will not admit anyone after 10:00 pm unless they are dropped off by the police or because they have arranged, in advance, a later arrival due to a work schedule. This typically amounts to one or two shelter guests arriving after 10:00 pm. Shelter guests cannot come and go once they come in. Guests are allowed to go outside and smoke until 8pm; after 8pm staff will take guests out in a group each hour for a smoke break. Planning Division staff recommends placing a condition of approval that only allows smoking to occur at the front of the church along 22nd Avenue North.

As mentioned in finding number one, in response to concerns raised by residents of a neighboring property last year, the applicant worked with community members, the neighborhood and city representatives to develop a more detailed management and communication plan. During shelter operations from December 2011 through May 2012 shelter staff held monthly meetings where neighbors could come to discuss concerns they had regarding the shelter and distributed flyers in the neighborhood with contact information to call with concerns. Neighbors did not attend these meetings during shelter operations last year. In addition, shelter staff provided documentation of any incidents or calls related to the shelter.

Again, the applicant has further amended the management plan and has plans in place to take additional measures to address concerns raised at the public hearing for the conditional use permit application.

3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.

Adequate utilities, access roads, drainage, necessary facilities or other measures are provided. The church has provided documentation regarding implementation of additional trash pickups.

4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.

Given the nature of the use, it is expected that few guests would arrive at the site by car. For staff that may drive to the site, there is a parking lot with approximately 32 parking spaces serving the Church across the street at 2201 Fremont Avenue North.

5. Is consistent with the applicable policies of the comprehensive plan.

The proposed interim use is consistent with the following policies of *The Minneapolis Plan for Sustainable Growth*.

Housing Policy 3.4: Preserve and increase the supply of safe, stable and affordable supportive housing opportunities for homeless youth, singles and families.

Housing Policy Implementation Step 3.4.5 Implement and promote additional strategies to reduce homelessness, such as those identified in Heading Home Hennepin.

Staff comment: While the Heading Home Hennepin plan suggests that, over time, shelters should be replaced by other forms of permanent housing, it recognizes that shelters are a critical component of serving those in urgent need.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located, with the approval of this conditional use permit.

With the approval of the interim use permit, this development will meet the applicable regulations of the zoning district in which it is located. The applicant is aware that, when shelters are established as an accessory use, they are subject to the following standards from section 537.110 of the zoning code:

(1) Shelter guests shall be provided with an enclosed waiting area one (1) hour prior to opening each evening, except when the shelter accepts guests by appointment only or is open twenty-four (24) hours per day.

The shelter officially opens at 6:00 pm and the shelter is required to provide a secure waiting area no less than one hour prior to opening (5:00 pm). St. Stephens's staff and volunteers begin arriving at approximately 3:00 pm to prepare the shelter space. Shelter guests that arrive early are allowed to come inside and wait in the lobby area or in the

waiting area adjacent to the meal service area. On the weekends, guests that arrive prior to the shelter opening time will wait in the River of Life Assembly Hall or in the waiting area outside of the shelter space.

(2) The number of guests shall not exceed the housing code occupancy requirements.

The proposed maximum number of guests (45 people) is consistent with accessibility, occupancy, egress, and other applicable standards of the building and housing codes.

(3) The operator shall submit a management plan for the facility and a floor plan showing sleeping areas, emergency exits, bathing and restrooms.

A copy of the management plan and a floor plan has been submitted and are attached for reference. The management plan outlines shelter operations, admission and discharge criteria, a neighborhood communication plan, a security and client management plan and a buildings and grounds plan. This includes a commitment to review and update the plan yearly and provide copes to adjacent property owners and City staff.

(4) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.

The applicant understands that this is a requirement and will comply with the requirement. In response to concerns raised by residents regarding overflowing dumpsters, shelter staff coordinated with the Church to hire a new waste removal company and to add additional garbage and recycling pickups (a minimum of two times per week).

Interim Use Conditions

1. The interim use shall be allowed as a conditional use in the zoning district in which it is to be located.

Overnight shelters are permitted as a conditional use in the R2B District accessory to religious institution places of assembly.

2. Except as otherwise authorized by this section, an interim use shall conform to this zoning ordinance as if it were established as a conditional use.

The use will conform to the zoning ordinance.

3. The date or event that will terminate the interim use shall be identified with certainty. Interim uses may not be granted for a period of greater than five (5) years.

The applicant's intent is to operate the shelter until April 30, 2013. If approved, this will be the third year the shelter has operated through approval of an interim use permit.

4. In the event of a public taking of property after the interim use is established, the property owner shall not be entitled to compensation for any increase in value attributable to the interim use.

The applicant is aware of this standard

5. Such conditions and guarantees as the city council deems reasonable and necessary to protect the public interest and to ensure compliance with the standards and purposes of this zoning ordinance and policies of the comprehensive plan.

The applicant has again updated the management plan to incorporate additional security, grounds management and communication measures. That plan is included in the appendix. Staff has reiterated these measures as conditions of approval.

RECOMMENDATION:

Recommendation of the Department of Community Planning and Economic Development - Planning Division for an interim use permit:

The Department of Community Planning and Economic Development - Planning Division recommends that the City Council adopt the findings above and <u>approve</u> the interim use permit application to allow an overnight shelter accessory to a religious institution place of assembly located at 1110 22nd Avenue North / 2200 Fremont Avenue North, subject to the following conditions:

- 1. The interim use shall expire on April 30, 2013.
- 2. The use shall comply with the standards for overnight shelters required by section 537.110 of the zoning code.
- 3. The required management plan shall be updated yearly and copies shall be provided to adjacent property owners and to the Department of Community Planning and Economic Development Planning Division. At a minimum, the management plan shall include the following
 - a. A security plan that includes the hours of operation, the hours guests can arrive, details on shelter security, police monitoring and a security plan that addresses lighting, cameras and loitering in the alley.
 - b. A communication plan that includes details on who to call with concerns, documentation of issues that arise, and monthly meetings to discuss shelter operations.
 - c. A building and grounds plan that includes frequency for trash and recycling pick-up and lighting in the alley.
- 4. The shelter shall not use or participate in the lottery system for placing guests at this shelter.
- 5. The applicant shall add additional trash and recycling pick-ups (a minimum of two times per week) during shelter operations.

- 6. The applicant shall work with the City's Crime Prevention Specialist assigned to the 4th Precinct to develop a specific security plan for the subject site. This shall include, at minimum, adding additional lighting and surveillance cameras in the alley monitored by shelter staff or an equivalent proposal. All lighting shall be required to comply with section 535.590 of the Zoning Code.
- 7. All waste receptacles shall be fully enclosed and screened unless determined to be a safety concern by the City's Crime Prevention Specialist. A detail of the trash enclosure shall be submitted that complies with Section 535.80 of the Zoning Code.
- 8. When going outdoors for air or smoking breaks, shelter staff and guests shall remain to the front of the church along 22nd Avenue North and shall not assemble in the alley or to the side of the church.
- 9. No personal belongings shall be stored outside of the building. Guests shall be provided space to store any personal belongings within the shelter space.

Attachments:

- 1) Statement and findings from applicant
- 2) Management plan submitted by the applicant
- 3) Correspondence
- 4) Zoning Map
- 5) Site plan, floor plans, and photos of the site